



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 04, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**EXCLUSION OF PARCEL W213-09
IN THE CITY OF LA PUENTE FROM
THE CONSOLIDATED SEWER MAINTENANCE DISTRICT
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)**

SUBJECT

This action is to exclude those portions of the Consolidated Sewer Maintenance District lying within the City of La Puente from the Consolidated Sewer Maintenance District.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the Resolution of Intention to exclude from the Consolidated Sewer Maintenance District a certain parcel lying within the City of La Puente and known as "Parcel W213-09."
2. Set the matter for public hearing and instruct the Executive Officer of the Board of Supervisors to publish the notice in both English and Spanish newspapers.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

1. Consider all objections made to the exclusion of the territory from the Consolidated Sewer Maintenance District or to the continuance of the remaining territory as the Consolidated Sewer Maintenance District.
2. After considering all objections, either:
 - a. Find the parcel to be excluded will not benefit by remaining within the Consolidated Sewer Maintenance District and that the remaining territory of the Consolidated Sewer Maintenance District will benefit by its continuance, and adopt a Resolution ordering the exclusion and reestablishing the remaining areas as the Consolidated Sewer Maintenance District; or
 - b. Find the parcel to be excluded will not benefit from exclusion and terminate proceedings.
3. If the exclusion is approved, adopt the Resolution approving and specifying that there will be no exchange of property tax revenues from the exclusion of this parcel.
4. If the exclusion is approved, instruct the Director of Public Works or her designee to file the necessary statement of boundary change with the State Board of Equalization and the County Assessor.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to exclude Parcel W213-09 from the Consolidated Sewer Maintenance (District) effective July 1, 2010. Parcel W213-09 consists of the area of the District lying within the City of La Puente (City).

On March 10, 2009, the City Council adopted City Resolution No. 09-4784 requesting withdrawal of the territory known as the City of La Puente from the District. The City Council indicated the desire to gain local control over the operation and maintenance of its local sewer system due to the adoption of the Sanitary Sewer Overflow regulations by the State of California.

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Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). This action supports these goals by facilitating the City's establishment of its own sewer maintenance services and the City's provision of direct access to information and services to its residents for sanitary sewer-related matters.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. This action will result in approximately \$440,000 reduction in revenue for the District (Fund GA9 and J14) effective July 1, 2010, which will be offset by the elimination of services to the City.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Per Section 4905 et seq. of the Health and Safety Code, any portion of a District that will not be benefited by remaining in the District may be excluded from the District. The parcel proposed to be excluded will not be benefited by remaining in the District because the City will be providing its own sewer maintenance program. The remainder of the District will benefit by continuing as a District and should be reestablished as the District.

Per Section 4906.1 of the Health and Safety Code, your Board may, by resolution, enter in its minutes a fixed time for a hearing on the question of the exclusion of any portion of a district which will not be benefited by remaining in the District. The time fixed for the hearing shall not be less than 15 or more than 30 days from and after passage of the Resolution.

Per Section 4910 et seq. of the Health and Safety Code, if your Board finds that the territory proposed to be excluded will not be benefited by remaining in the District, and that the territory not proposed to be excluded will be benefited by continuing as a District, it shall, by resolution, declare the District be reestablished excluding therefrom the territory found not benefited by remaining in the District.

Per Section 4911 of the Health and Safety Code, upon the exclusion of said territory, all property acquired for the District shall remain vested to the County and be used for the purposes of the District.

In accordance with Section 58850 et seq. of the Government Code, this proposal was reviewed by the Director of Public Works or her designee and the County Assessor. The boundaries were approved as to definiteness and certainty and are shown on the legal descriptions (Enclosure B).

As required by Section 4908 of the Health and Safety Code, your Board shall direct its Executive Officer to publish a notice of the exclusion (Enclosure C) in a newspaper of general circulation at least 10 days prior to the time fixed for the hearing.

The Director of Public Works or her designee shall file the necessary statement of boundary change with the State Board of Equalization and the County Assessor as required by Section 54900 of the Government Code and Section 99 of the Revenue and Taxation Code.

Pursuant to Section 99 of the Revenue and Taxation Code, there will be no exchange of property tax revenue as a result of this action.

The Resolution of Intention (Enclosure A), Property Tax Resolution (Enclosure D), the Resolution Ordering Exclusion (Enclosure E), and Notice of Hearing have been approved as to form by County Counsel.

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ENVIRONMENTAL DOCUMENTATION

Exclusion of territory from the District constitutes a change to a government funding mechanism, which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and, therefore, pursuant to Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines, does not constitute a project subject to CEQA.

The exclusion of territory from the District and the proposed operation of the sewer system for said territory by the City also constitutes an organizational or administrative activity of governments that will not result in direct or indirect physical changes in the environment. Therefore, Section 15378(b)(5) of the CEQA Guidelines also excludes said activity from the definition of a project that is subject to CEQA.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The services provided currently to the residents remaining in the District after exclusion will not be affected. The services to the residents in the excluded territory are proposed to be provided by the City.

CONCLUSION

Please return two adopted copies of this letter to the Department of Public Works, Sewer Maintenance Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JTW:ag

Enclosures

c: Chief Executive Office (Lari Sheehan)
County Assessor
County Counsel
Executive Office
City of La Puente

ENCLOSURE A

**IN THE MATTER OF THE EXCLUSION OF
PARCEL W213-09 FROM AND THE CONTINUANCE AND
REESTABLISHMENT OF THE
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

RESOLUTION OF INTENTION

WHEREAS, the City of La Puente, by Resolution No. 09-4787, has requested that the area of the Consolidated Sewer Maintenance District (District) lying within the City of La Puente and known as "Parcel W213-09," be excluded from the District; and

WHEREAS, the parcel proposed to be excluded will not be benefited by remaining in the District; and

WHEREAS, the remainder of the District will benefit by continuing as a District.

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, as follows:

SECTION 1. It is hereby found and determined that the area hereinafter described in Section 3 (Parcel W213-09), territory within the District established under the provisions of Division 5 of the Health and Safety Code of the State of California, will not be benefited by remaining in said District, and should be excluded therefrom, effective July 1, 2010, in accordance with Section 4905 et seq. of said Health and Safety Code, as amended.

SECTION 2. It is also found and determined that the territory of the District other than Parcel W213-09 will benefit by continuing as a District and should be reestablished as the Consolidated Sewer Maintenance District, excluding therefrom said Parcel W213-09.

SECTION 3. That the public interest and convenience require, and it is the intention of said Board of Supervisors to order, that the hereinafter described territory be excluded from the District, that the boundary of the District be altered so as to exclude Parcel W213-09 (as described below), and that the territory not excluded shall continue as the Consolidated Sewer Maintenance District. Said territory to be excluded (Parcel W213-09) shall consist of that portion of said District included within the following exterior boundary lines (see Attachment B):

SECTION 4. That the public hearing upon the proposed action will be held at _____ on Tuesday, the _____ day of _____ 2009, which date is not less than fifteen (15) days or more than thirty (30) days from the adoption of this Resolution, in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, when the proposal and all objections will be heard and passed on by the Board of Supervisors, pursuant to Section 4905 et seq. of the Health and Safety Code and Section 99 of the Revenue and Taxation Code.

SECTION 5. That the Executive Officer of the Board of Supervisors shall cause notice of the proposed hearing for exclusion from, continuance of, and reestablishment of said District, in the manner and in the form required by law, to be published by one insertion in the _____, a newspaper circulated in the District, which newspaper is hereby deemed by the Board of Supervisors as the newspaper most likely to give notice of the proposed exclusion, continuance, and reestablishment to the District's inhabitants.

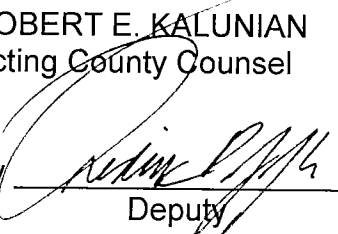
The foregoing Resolution was adopted on the _____ day of _____, 2009,
by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By  _____
Deputy

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ENCLOSURE B

**WITHDRAWAL FROM
CONSOLIDATED SEWER MAINTENANCE DISTRICT
(In the City of La Puente)**

Parcel W213-09

All those portions of the Consolidated Sewer Maintenance District lying within the City of La Puente, in the County of Los Angeles, State of California, as said district and said city existed on June 30, 2009.

Containing: 2223 ± acres

3.47 ± square miles

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Description Approved



GAIL FARBER

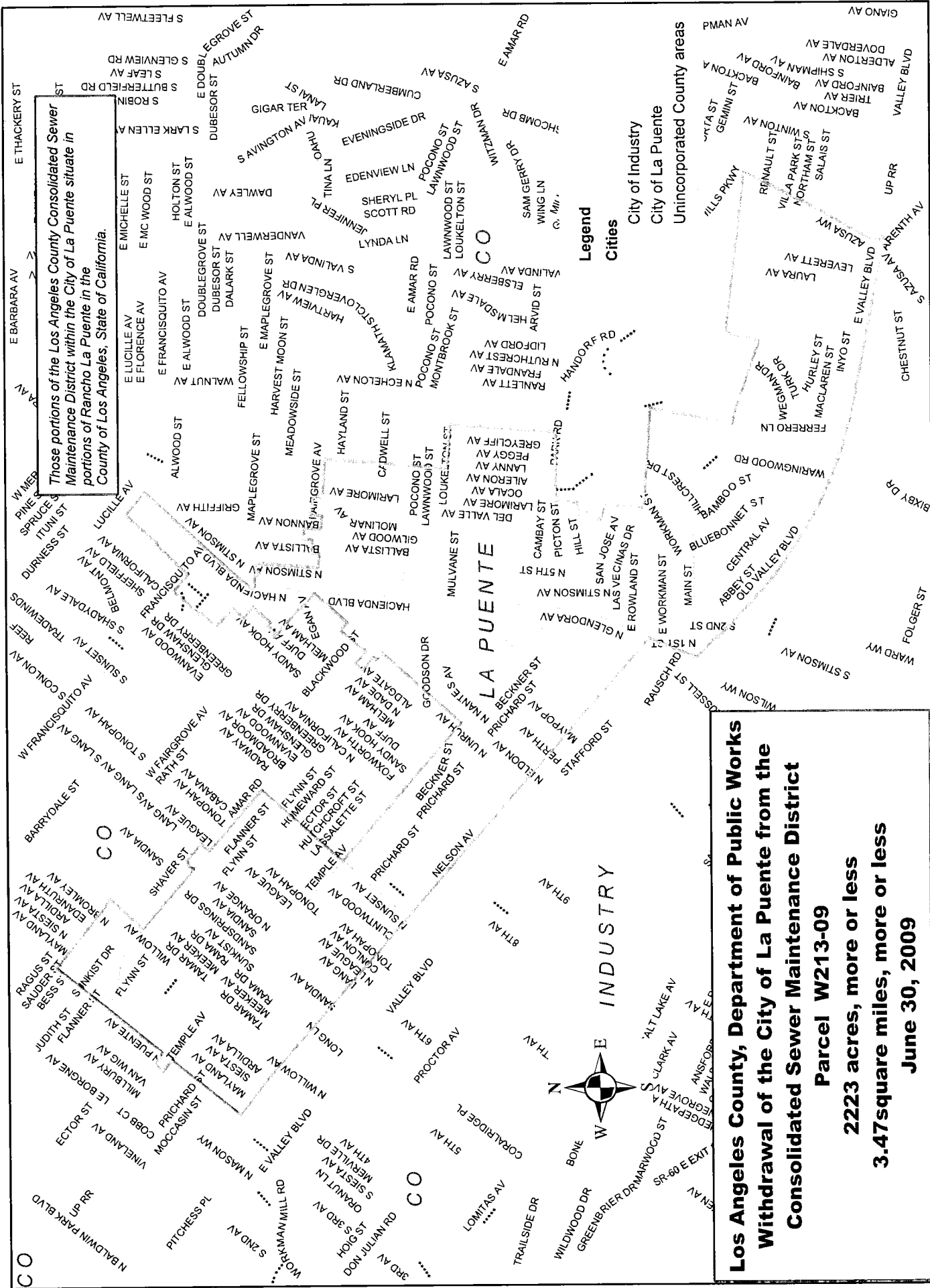
Director of Public Works

By



Licensed Land Surveyor

6/08/09



ENCLOSURE C

INSTRUCTION SHEET FOR PUBLISHING

LEGAL ADVERTISEMENTS

From Department of Public Works

Sewer Maintenance Division

Notice of Hearing with regard to the Proposed Exclusion (Withdrawal) from the Consolidated Sewer Maintenance District of Parcel W213-09.

Territory within the first Supervisorial District (Exclusion under Health and Safety Code, 1927 Act).

PUBLISHING

Advertise as instructed below. In accordance with Section 4908 of the Health and Safety Code.

Publish in both English and Spanish, in a newspaper of general circulation in the local areas (City of La Puente) once a week for two successive weeks, as designated in the Resolution.

Time limitation - publication to be at least 10 days prior to date of hearing. The date of hearing shall be not less than 15 and not more than 30 days after the date of adoption of the Resolution setting the hearing (Section 4907 of the Health and Safety Code).

We require two copies of the reprint (proofs) of this ad.

Other Instructions:

Two copies of the certified Board of Supervisors action are required for Sewer Maintenance Division, Department of Public Works, 900 South Fremont Avenue, Alhambra, California 91803.

NA:ag

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**NOTICE OF HEARING
IN THE MATTER OF THE EXCLUSION
OF PARCEL W213-09
WITHIN THE CITY OF LA PUENTE FROM THE
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

Notice is hereby given that the Board of Supervisors of the County of Los Angeles, State of California, on the _____ day of _____ 2009, adopted a Resolution of Intention wherein it found and determined that the areas designated as Parcel W213-09 being territory in the Consolidated Sewer Maintenance District established under the provisions of Division 5 of the Health and Safety Code of the State of California, will not be benefited by remaining in said Consolidated Sewer Maintenance District and should be excluded therefrom, effective July 1, 2010, in accordance with Section 4905 et seq. of said Health and Safety Code, as amended.

Said territory to be excluded shall consist of all those portions of the Consolidated Sewer Maintenance District lying within the City of La Puente, in the County of Los Angeles, State of California, as said District and said City existed on June 30, 2009.

A public hearing upon the proposed action will be held at _____ on Tuesday, the _____ day of _____ 2009, in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, when the proposal and all objections will be heard and passed upon the Board of Supervisors, pursuant to Section 4905 et seq. of the Health and Safety Code and Section 99 of the Revenue and Taxation Code.

The foregoing notice is given pursuant to said Resolution of Intention and by order of the Board of Supervisors for the County of Los Angeles, State of California.

For further information, please call (626) 300-3388.

**NOTICIA DE AUDIENCIA
CON RESPECTO A LA EXCLUSION DE
PARCELA W213-09
DENTRO DE LA CIUDAD DE LA PUENTE
DEL DISTRITO CONSOLIDADO DE MANTENIMIENTO DE DRENAJES**

Por medio de la presente se da noticia que la Junta de Supervisores del Condado de Los Angeles, Estado de California, en el ____ día de _____ 2009, adoptó una Resolución de Intención en donde se encontró y determinó que las áreas designadas como Parcela W213-09 siendo parte del territorio del Distrito Consolidado de Mantenimiento de Drenajes estipulado bajo la clausula de la División 5 del Código de Salud y Seguridad del Estado de California, no se beneficiará siendo parte del Distrito Consolidado de Mantenimiento de Drenajes y debería de ser excluída a partir del 1 de Julio del 2010, en acuerdo con la Sección 4905 et seq. del Código de Salud y Seguridad como enmendada.

El territorio que va hacer excluido debe de consistir de todas las porciones del Distrito Consolidado de Mantenimiento de Drenajes situadas dentro de la Ciudad de Palmdale, en el Condado de Los Angeles, Estado de California, tal como el Distrito y la Ciudad existieron el 30 de Junio del 2009.

Una audiencia pública sobre la propuesta acción se celebrará a las _____ el Martes, _____ de _____ 2009, en la Cámara de Auditorias (Hearing Room) de la Junta de Supervisores, Salón 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, cuando la propuesta y oposiciones serán escuchadas y decretadas por la Junta de Supervisores, conforme a la Sección 4905, et seq. del Código de Salud y Seguridad (Health and Safety Code) y Sección 99 del Código de Ingresos e Impuestos (Revenue and Taxation Code).

La consiguiente noticia se da de acuerdo a dicho Intento de Resolución y por orden de la Junta de Supervisores para el Condado de Los Angeles, Estado de California.

Para más información, por favor llame al (626) 300-3309

ENCLOSURE D

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, CALIFORNIA
APPROVING AND ACCEPTING NEGOTIATIONS
THAT THERE WILL BE NO EXCHANGE OF PROPERTY TAX REVENUES
FROM THE EXCLUSION OF PARCEL W213-09 FROM THE
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of property tax revenues to be exchanged between the affected agencies and approve and accept the negotiated exchange of property tax revenue by resolution; and

WHEREAS, the Board of Supervisors of the County of Los Angeles is required to negotiate any exchange of property tax revenues on behalf of special districts located within the County; and

WHEREAS, the Board of Supervisors, acting on behalf of the County of Los Angeles and the Consolidated Sewer Maintenance District, has determined the amount of property tax revenues to be exchanged as a result of the exclusion of Parcel W213-09 from the Consolidated Sewer Maintenance District, entitled Parcel W213-09.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The negotiated exchange of property tax revenues resulting from the exclusion of Parcel W213-09 from the Consolidated Sewer Maintenance District entitled, Parcel W213-09, is approved and accepted.
2. For fiscal year commencing on and after July 1, 2010, no transfer of property tax revenues shall be made as a result of this action.

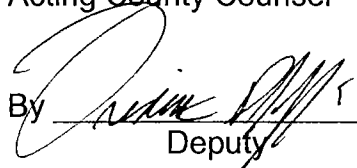
The foregoing Resolution was adopted on the _____ day of _____, 2009,
by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By  _____
Deputy

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ENCLOSURE E

**A RESOLUTION ORDERING EXCLUSION OF ALL TERRITORY
WITHIN THE CITY OF LA PUENTE FROM AND
THE CONTINUANCE AND REESTABLISHING
OF THE CONSOLIDATED SEWER MAINTENANCE DISTRICT**

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, on the ____ day of _____ 2009, did adopt a Resolution of Intention, wherein said Board declared its intention to exclude certain areas designated in said Resolution as all those portions of the District within the City of La Puente from the Consolidated Sewer Maintenance District, established under provisions of the Health and Safety Code, as amended, of the State of California, and to continue and reestablish said District.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That there were no objections or that objections made were duly considered.
2. Notwithstanding any objections, the Board finds that the territory proposed to be excluded will not be benefited by remaining in the Consolidated Sewer Maintenance District and that the territory not proposed to be excluded will be benefited by continuing as a District.
3. The Board declares the Consolidated Sewer Maintenance District reestablished excluding therefrom territory found not benefited by remaining in the District.

The foregoing Resolution was adopted on the _____ day of _____, 2009,
by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By  _____
Deputy

NA:ag
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